

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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ALARIC J. GREENLEE,

Plaintiff,

Case No. 21-CV-462

v.

SPEEDWAY LLC and  
SPEEDWAY LLC,

Defendants.

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**NOTICE OF REMOVAL OF CIVIL ACTION**

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Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, the defendants, Speedway LLC and Speedway LLC, more properly identified as a singular entity Speedway LLC (hereinafter referred to as Speedway LLC) seek to remove this case from Milwaukee County Circuit Court, the State of Wisconsin, to the United States District Court for the Eastern District of Wisconsin. In support of this Notice of Removal, Speedway LLC states the following:

1. On January 7, 2021, the above-entitled action was electronically filed in Milwaukee County Circuit Court, State of Wisconsin, as Case No. 2021-CV-000096. **Exhibit A**, Summons and Complaint.

2. Pursuant to Wis. Stat. § 802.02(1m), the tort-based Complaint did not contain an amount in controversy.

3. On March 29, 2021, Speedway LLC received a demand letter from plaintiff's counsel seeking \$120,000.00. **Erin Moosbrugger Declaration**, ¶ 2.

4. The March 29, 2021 demand letter from plaintiff's counsel provided an itemization of special damages, including, past medical expenses, past loss of wages, future treatment: total knee arthroplasty, loss of earning capacity, and worker's compensation disability in a total amount of \$52,125.63. **Erin Moosbrugger Declaration**, ¶ 3.

5. In addition to the \$52,125.63 itemization of total special damages, the letter from plaintiff's counsel provided a demand for compensatory damages for pain and suffering in the amount of \$67,875.00. **Erin Moosbrugger Declaration**, ¶ 4.

6. A demand was not made by plaintiff prior to March 29, 2021. **Erin Moosbrugger Declaration**, ¶ 5.

7. Prior to March 29, 2021, Speedway was unaware that the amount in controversy exceeded \$75,000 as plaintiff had not made a demand and only provided Speedway with medical records and bills totaling \$3,378 for treatment of plaintiff's left knee over two years after the January 9, 2018 incident subject of the Complaint. **Erin Moosbrugger Declaration**, ¶ 6.

8. On April 2, 2021, Speedway electronically filed an Answer to the Complaint. **Exhibit B**, Answer and Affirmatives Defenses to Complaint.

9. Venue of this removal is proper under 28 U.S.C. § 1441(a) because this Court is the U. S. District Court in the district corresponding to the place where the state court action is pending.

10. This is a civil action that falls under the Court's original jurisdiction under 28 U.S.C. § 1332 (Diversity of Citizenship and Amount in Controversy) and is one that may be removed by this Court based on 28 U.S.C. §§ 1441 and 1446.

11. Based on the information provided in plaintiff's March 29, 2021 letter, the amount in controversy exceeds \$75,000.00. *See Meridian Security Insurance Co. v. Sadowski*, 441 F.3d 536 (7<sup>th</sup> Cir. 2006).

12. Diversity jurisdiction exists because all parties are citizens of different states.

13. Plaintiff alleges in his Complaint that that he is an adult natural person residing in the County of Milwaukee, State of Wisconsin. Further, upon information and belief, plaintiff is employed by Milwaukee County Transit System as a bus operator. As a result, upon information and belief, plaintiff is a citizen of the State of Wisconsin.

14. Speedway is a Delaware limited liability company with a sole member, MPC Investment, LLC. MPC Investment, LLC is a Delaware limited liability company with a sole member, Marathon Petroleum Corporation ("Marathon"). Marathon is a Delaware Corporation with its principal place of business in Ohio. **Exhibit C**: State of Delaware Corporations Bureau confirmation pages for Speedway LLC, MPC Investment LLC, and Marathon. Thus, Speedway is a citizen of Ohio and Delaware, as Speedway's sole member is a citizen of the states of Ohio and Delaware. *Belleville Catering Co. v. Champaign Mkt. Place LLC*, 350 F.3d 691 (7<sup>th</sup> Cir. 2003).

15. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed with this Court within 30 days after receipt of the March 29, 2021 demand letter from plaintiff's counsel, which first put Speedway on notice that the amount in controversy was in excess of \$75,000.00.

16. Filed herewith as **Exhibit D** is a complete copy of the Milwaukee County Circuit Court electronic record.

WHEREFORE, the defendants, Speedway LLC, hereby request removal of the above-captioned action from Milwaukee County Circuit Court, State of Wisconsin, to the United States District Court for the Eastern District of Wisconsin.

Dated this 12<sup>th</sup> day of April, 2021.

KASDORF, LEWIS & SWIETLIK, S.C.  
Attorneys for Defendants

By: electronically signed by Jason P. Gehring

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